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16
17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA -- SAN FRANCISCO DIVISION**

19 **MARCIANO PLATA, et al.,**

20 Plaintiffs,

21 v.

22 **ARNOLD SCHWARZENEGGER, et al.,**

23 Defendants.

C-01-1351 TEH

**DECLARATION OF JOAN
PETERSILIA IN SUPPORT
OF DEFENDANTS' REPORT
IN RESPONSE TO THE
COURT'S FEBRUARY 15,
2007 ORDER**

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25 I, Joan Petersilia, declare as follows:

26 1. I am the Senior Consultant to the Rehabilitation Strike Team that was created by
27 Governor Schwarzenegger on May 11, 2007 to expedite the implementation of Assembly Bill
28 900 (AB 900). The Rehabilitation Strike Team is focused on evaluating existing education,

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1 training, and substance abuse programs; developing leading-edge rehabilitation classes;
2 delivering services to inmates and parolees that will in turn improve public safety; designing
3 facilities to best accommodate rehabilitative programs; and working with communities to
4 continue services in local settings. This Declaration is submitted in support of Defendants'
5 Report in Response to the Court's February 15, 2007 Order. All matters set forth in this
6 declaration are personally known to me and if sworn as a witness in this matter, I could and
7 would testify competently as to all matters set forth in this declaration.

8 2. I am a Professor of Criminology, Law, and Society at the University of California,
9 Irvine. I have been an advisor to the California Department of Corrections and Rehabilitation
10 (CDCR) for the last three years, and currently co-chair CDCR's Expert Panel on Adult Offender
11 Recidivism Reduction Programs (Expert Panel). The Expert Panel is tasked with reviewing the
12 existing rehabilitation programs offered by CDCR for adult offenders, and providing a blueprint
13 for improving current programs and their effectiveness. I am the former Director of the Criminal
14 Justice Program at the RAND Corporation where, for 25 years, I studied the performance of
15 California criminal justice agencies. I am also the former President of the American Society of
16 Criminology.

17 3. The Rehabilitation Strike Team is responsible for the following tasks: (1) assessing
18 existing CDCR rehabilitation programs and space; (2) designing an integrated rehabilitation
19 services delivery plan for inmates and parolees including, but not limited to, substance abuse
20 treatment, education, job training, counseling, and life skills; developing a plan to integrate all
21 elements of inmate job training – vocational education, Prison Industry Authority, institution
22 inmate labor, and private partnerships – to ensure the most efficient and effective use of
23 resources; (3) fast-tracking the implementation and adoption of inmate intake and pre-release
24 needs assessment tools; (4) developing a system of inmate incentives for program participation;
25 (5) working with CDCR senior management to develop a plan to immediately begin reducing the
26 number of lockdown days (i.e. days that the movement of inmates outside of their cells is
27 restricted), so that inmates can participate in rehabilitative programming; and (6) developing
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1 expenditure priorities for the \$50 million in rehabilitation and treatment supplement funds that
2 was authorized by AB 900, Section 28(b).

3 4. The Rehabilitation Strike Team has been able to successfully commence its operations
4 due in part to prior work completed by the Expert Panel, and also due to the fact that the
5 Rehabilitation Strike Team includes two other members from the Expert Panel. The
6 Rehabilitation Strike Team also consists of a number of other nationally recognized rehabilitation
7 experts with extensive professional backgrounds in substance abuse treatment, education,
8 workforce preparation, and security.

9 5. The Rehabilitation Strike Team will be offering suggested program improvements
10 within the first 60 days, concluding with recommendations within 9 months. I know, as an
11 expert in the field, that when the Rehabilitation Strike Force's recommendations are fully
12 implemented by CDCR, these policies and programs can improve the reentry success of prisoners
13 and parolees. With improved rehabilitation programs, offender recidivism will be reduced with
14 an associated impact on reducing prison overcrowding. Currently, California has one of the
15 nation's highest recidivism rates: 66% of California parolees return to a California prison within
16 3 years of their release, compared to a national average of about 40% in large states.

17 6. Each year, CDCR receives nearly 140,000 prisoners. Only about 1% of these prisoners
18 enter state prisons to serve life sentences or face capital punishment. This means that virtually all
19 of these prisoners will be returning to their communities; most within a relatively short time
20 frame. The average length of incarceration in California prisons is about 27 months, which is
21 comparable to the national average. The Legislative Analyst's Office (LAO) reported that
22 81,000 parole violators were returned to California prisons in 2005, 80% of whom were returned
23 for technical parole violations (violations of their parole conditions), rather than new criminal
24 convictions. Many parole violators returned for technical violations are quickly released again,
25 serving an average of just four months in prison. Technical parole violators rotate quickly in and
26 out of CDCR's custody and occupy 20,000 beds on any given day. If the Rehabilitation Strike
27 Team can implement the programs that have proven successful in other states, CDCR should be
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1 able to reduce the number of parole violators returning to prison and their associated impact on
2 prison overcrowding.

3 7. The evidence supporting effective rehabilitation programming is growing. In the
4 1970s, the conventional wisdom was that offenders could not be rehabilitated. Research now
5 demonstrates that there are several effective correctional interventions that can reduce the rates of
6 offenders committing new crimes and returning to prison. Researchers have also indicated that
7 some of the popular rehabilitation programs currently in use are not effective at curtailing future
8 criminal behavior. Programs such as in-prison "therapeutic communities" with strong post-
9 release re-entry services have shown to be effective for drug-involved offenders. Quality
10 vocational education in prison and for parolees has yielded positive results. Cognitive behavioral
11 treatment in prison and in the community is solidly supported by research. Intensive community
12 supervision programs that emphasize the delivery of treatment services and not simply
13 surveillance, yielded impressive results in reducing future criminal behaviors by released
14 offenders. Gender-responsive programs have also demonstrated positive outcomes for female
15 offenders.

16 8. Fully implementing evidence-based rehabilitation programs will reduce California's
17 recidivism rate. A realistic expected reduction in recidivism from evidence-based programming
18 is about 10% overall, although different programs can expect different recidivism-reduction
19 outcomes. The Washington State Institute for Public Policy reviewed 571 adult and juvenile
20 corrections programs and found several programs that reduced recidivism between 5 and 17
21 percent:

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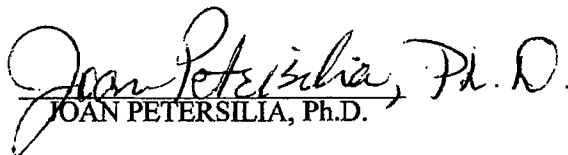
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Evidence-Based Programs, Crime Outcomes	
Selected Adult Corrections Programs	Expected Change in Crime ^{1/}
Vocational education in prison	-9.0% (4)
Intensive supervision: treatment oriented programs	-16.7% (11)
General education in prison (basic education or post-secondary)	-7.0% (17)
Cognitive-behavioral therapy in prison or community	-6.3% (25)
Correctional industries in prison	-5.9% (4)
Drug treatment in prison (therapeutic communities or outpatient)	-5.7% (20)
Adult drug courts	-8.0% (57)
Sex offender treatment in prison with aftercare	-7.0% (23)
Intensive supervision: surveillance-oriented programs	0.0% (23)

9. To achieve the above recidivism rate reduction benefits, programs must use risk assessments, trained staff, performance measurement, and an intensity of services that does not now exist within CDCR. The Expert Panel will deliver a blueprint for effective program implementation in June 2007. If CDCR fully implements the Expert Panel and Rehabilitation Strike Team's recommendations, CDCR will be able to reduce parolee recidivism and associated prison returns by at least 10% per year. Given that in 2005, 81,000 parolees returned to custody, that 10% would amount to 8,100 prison returns avoided in one year alone. This anticipated reduction is realistic and will significantly reduce prison overcrowding and increase cost savings.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Irvine, California, on May 16, 2007.


JOAN PETERSILIA, Ph.D.

1. Percent change in crime outcomes and the number of evidence-based studies on which the estimate is based (in parentheses).

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **MARCIANO PLATA, et al. v. ARNOLD SCHWARZENEGGER, et al.**

No.: **C 01-1351 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **May 16, 2007**, I served the attached

**DECLARATION OF JOAN PETERSILIA IN SUPPORT OF DEFENDANTS' REPORT
IN RESPONSE TO THE COURT'S FEBRUARY 15, 2007 ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

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I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **May 16, 2007**, at San Francisco, California.

J. Tucay
Declarant

J. Tucay
Signature